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of the two poems, cannot be composite. The author might have quoted Hennequin: L'âme d'un grand artiste est celle qui peut frémir en un million de sensibilités individuelles et fait la joie et la douleur d'un peuple.

This Brief for Homer is the manifesto of a new movement in the study of the poet. It says to the lover of great poetry: 'Your feeling that only one great poet could have composed Iliad and Odyssey has the support of sound philological research,' and to the philologist:—'I challenge you to make Homer, rather than the latest—or any—book on Homer, the base of your research; to study why Homer introduces certain features and motifs, and how he uses them, rather than to conjecture what may have been his sources—which must remain unknowable; to submit your minds to the spirit of his poetry, for this is the final test of any work of art; in other words, to unite philologicistic—as Croce calls modern philology—with the true philology or love of letters.'

Such a manifesto and challenge, based as it is on the profound and scholarly knowledge of Homer, need have no fear of essential ultimate success. But it implies an acceptance of the responsibilities of leadership. The battle for the rehabilitation of Homer has only just begun. While Professor SCOTT's previous work and the reasonableness of his position as summed up in these lectures give the rapidly increasing Unitarian party confidence in his resources and his resourcefulness, the world will look for a greater and more comprehensive work, when time shall have given ripeness and perspective to the views of the author's first period of scholarly productivity, the close of which these lectures mark. The book in its external form, which unites simplicity and neatness with ease of legibility, fittingly inaugurates the publication of the Sather Classical Lectures.

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La Loi de Hiéron et les Romains. Par JÉRÔME CARCOPINO.
Paris, E. de Boccard, 1919. 22 + 308 pp. 8°.

French erudition has made an important contribution to the history of Roman Law in M. Jérôme Carcopino's book on the *lex Hieronica*. Three studies of this law are, it is true, already in existence. But that of Degenkolb, written too early to utilize papyrological discoveries, saw in the *lex Hieronica* a purely Roman piece of legislation. Those of Rostowzew¹ and of

¹ Rostowzew, *Studien zur Geschichte des röm. Kolonates*, 1910, p. 233.

Wilcken² grafted it upon the revenue laws of Ptolemy Philadelphus.

The fundamental contribution of M. Carcopino's work consists in the proof that the *lex Hieronica* is purely Sicilian in its nature and was utilized by the Romans after their occupation. Altho this thesis appears to have been cursorily noticed by Wilcken (1901) and Rostowzew (1903), it is first established here. The law, according to Carcopino, dates from Hiero II, who, it appears, did not himself create the tithe, but simply settled the form of a preëxisting tax that had been simultaneously established in Greek Sicily and Carthage in Gelon's time to meet similar financial needs.

The argument is essentially based on the *De Frumento*—the third book of the *Actio Secunda in Verrem*. It is precisely this oration of Cicero that has been most neglected, and it is no small merit to have discovered what can be drawn from these pleadings, and to have actually analyzed them so profoundly that all future explanations of the *De Frumento* will have to be based on that of M. Carcopino.

With remarkable critical power the author, in a work of 300 pages, traces the origin and practice of the law, its deformation under Roman rule, its utilization by Verres, and the consequences which such an application actually had in Sicily.

Three new theories appear to deserve especial mention. The first asserts that Sicily, instead of being, as previously believed, the promised land of the Roman tithe-farmers' societies was, on the contrary, a country where their activities were prohibited. The *adjudicatio* at Syracuse excluded by law the tithe-farming companies formed at Rome. A remarkable point in the course of this argument is the demonstration by the author that the classical opinion on the subject—formulated principally by M. Delorme and by M. Belot³—is based on an erroneous confusion of the publicans of small means who requisitioned wheat in person (referred to as *decumani* by Cicero in Book III) with the powerful publicans of the equestrian order (also referred to as *decumani* in Book II).⁴

Carcopino's second novel theory penetrates even more deeply into the heart of the law and reaches a subject which has occupied many jurists.⁵ He proves in regard to the legal procedure in taxation that the *legis actio per pignoris capionem*, instead of being in common use in 73 B. C., as was usually thought, was established in Sicily on the isolated initiative of Verres at

² Wilcken, *Deutsche Literaturzeitung*, 1897, col. 1015.

³ *Histoire des Chevaliers Romains*, II, 177.

⁴ See J. Carcopino, *Decumani*, pp. 401-442.

⁵ Collinet, *Saisie privée*; Trapenard, *Ager scripturarius*; Degenkolb, *Die Lex Hieronica und das Pfändungsrecht der Pächter*.

a time when it was falling into desuetude at Rome. Taking as a basis the text of Gaius (IV 30), the author shows that the *lex Aebutia* abolished the *manus injectio*. In this connection, he exposes the weakness of the contrary argument, founded on the *senatusconsultum de pago Montano*, the date of which is uncertain, and which appears to be merely a corollary of the power of coercion of the magistrate. On the one hand, we do not find any authentic examples of the *manus injectio* after 126 B. C.; on the other hand, eighteen years after the *lex Aebutia*, the publicans had already given up the *pignoris capio* and had recourse to the formulary procedure, as is shown by the fact that the agrarian law of 111 B. C. ordered the magistrates to designate the *recuperatores* to examine into the claims formulated by the publicans.⁶ And as the formulary procedure had come from the province to Rome at the time when the charter of Sicily was accorded, it is hardly probable that the *pignoris capio* was transplanted to Sicily where it had no root and where it was repugnant to the spirit of the *lex Hieronica* which recognized the right of both cultivators and tithe-farmers to appear as plaintiffs. M. Carcopino sees a definite confirmation of this theory in the text of Cicero's *Actio Secunda in Verrem*, III 11, 27, of which he gives a very accurate interpretation.

Thirdly, the book renders a great service in sweeping aside a firmly established error. All the commentators of the *Actiones in Verrem* from Zumpt⁷ and all historians since Marquardt,⁸ Dareste⁹ and P. F. Girard,¹⁰ divided the Sicilian *civitates* into two classes—the *decumanæ civitates* (34 or 35 in number), subject to the *lex Hieronica*, and the *civitates* of the *ager publicus*, subject to the tithe. M. Carcopino demonstrates that the fact that a city belongs to the *ager publicus* does not in the least exempt it from submission to the collection of tithes. (He gives a specific proof of it for the city of Leontini.) The *ager publicus* is scattered through all the *civitates*, but no city (except Leontini) is totally incorporated in the Roman *ager publicus*.

In addition to propounding and establishing the new views described in the three preceding paragraphs, M. Carcopino clears up many doubtful points and corrects many current minor errors. He also presents a complete study of the *frumentum emptum*, on which only vague and brief statements were heretofore to be found.

⁶ P. F. Girard, *Textes*,⁴ pp. 46 sqq.

⁷ Edition of *In Verrem*, p. 437.

⁸ Organisation de l'Empire, II, p. 53.

⁹ De conditione et forma Siciliae, pp. 32-34.

¹⁰ Organisation judiciaire des Romains, p. 330, n. 1.

There is perhaps one criticism that one might make of the work. It does not delve sufficiently into the sources of the *lex Hieronica*. After having shown the numerous analogies between the *lex Hieronica* and the financial laws of Ptolemy Philadelphus enacted six years after the death of Arsinoë,—that is to say in 265/264 B. C.—the author concludes somewhat prematurely (p. 64): “Le nombre et la fidélité des ressemblances que nous venons de constater excluent l’hypothèse d’une source commune, d’un νόμος τελωνικός de la Grèce propre, dont les Grecs installés en Egypte depuis cinquante ans auraient pu, soudain et à la même date, s’inspirer indépendamment les uns des autres. Au contraire, l’idée d’une imitation directe est confirmée par l’histoire.” M. Carcopino then recounts the numerous relations existing at this time between the Sicilians and the Egyptians; and, after proving that the law of Ptolemy was anterior to the *lex Hieronica*, he concludes that the second is an imitation of the first. But from the similarity of the two laws, it is just as possible to induce a common origin for the two as a direct imitation of the one by the other, and the historical argument is not conclusive in favor of either hypothesis since the Sicilians were in as close relations with the Greeks as with the Egyptians, and certainly the Greek influence in Sicily was stronger than the Egyptian. Even supposing that there was a direct influence of the law of Ptolemy on that of Hiero, this does not at all exclude the other hypothesis. While making use of the original model was it not possible to adopt certain happy and recent modifications? M. Carcopino leaves this question unanswered.

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La Table Hypothécaire de Veleia: Étude sur la Propriété Foncière dans l’Apennin de Plaisance. Par F. G. DE PACHTERE. Paris: Librairie Ancienne Honoré Champion, 1920. (Bibliothèque de l’École des Hautes Études, 228). xx + 120 pp.

DE PACHTERE has succeeded in extracting a remarkable amount of valuable information from the famous Veleian inscription. In the first two chapters he shows that Mommsen’s conclusions (Hermes, xix, 363 ff.) were partly incorrect, partly inadequate. By tracing with unusual acumen the limits of many of the *pagi* mentioned in the inscription he demonstrates that the districts named are largely mountainous and that it is chiefly in the infertile and rocky regions, not in the lowlands, that small holdings gave way to latifundia. In the fertile regions, the small plots survived more successfully than Mommsen supposed.